

November 18, 2005

Robert Schneider, Chairman
California Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, No. 200
Rancho Cordova, California 95670

SUBJECT: Sacramento-San Joaquin Delta Mercury TMDL

Dear Chairman Schneider:

The Delta Protection Commission (DPC) has convened a collaborative of Delta stakeholders to provide input to your Board for consideration in the development of the subject TMDL for the Delta. It is the desire of the Collaborative to contribute to the Board's efforts to satisfy the mandates imposed by the U. S. Environmental Protection Agency while developing a meaningful and realistically feasible program.

The Collaborative will be reviewing documents produced by Board staff, participating in public workshops, and providing comments to the Board throughout the process. Thus, the opportunity is provided to initiate the participation of the Collaborative by providing the following general comments.

Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan)

The Plan was prepared and adopted by the DPC pursuant to the Delta Protection Act (Act). The Plan provides Findings, Policies, and Recommendations in the areas of Environment, Utilities and Infrastructure, Land Use, Agriculture, Water, Recreation and Access, Levees, and Marine Patrol, Boater Education, and Safety Programs. The provisions of the Act require the inclusion of the Plan in local government General Plans covering the Delta. Development of the Delta Mercury TMDL should take into consideration the projects and activities provided for in the Plan as mandated by the Act.

Delta Visioning

There are currently several Delta visioning efforts underway that should be taken into consideration with respect to development of the TMDL and the timing of implementation. Visioning efforts include: DPC transition; State Parks and Recreation Central Valley Vision; AB 1200 visioning - Department of Fish and Game/Department of Water Resources; CALFED

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10-year plan; Yolo Basin Foundation/DPC Lower Bypass Collaborative; regional planning efforts of Sacramento Area Council of Governments, San Joaquin Council of Governments, Association of Bay Area Governments, and regional Blue Print processes; and local government general plan updates.

Multiple Species HCP/NCCP

The Department of Fish and Game is currently facilitating a process for development of a multiple species HCP/NCCP for the Delta, and other local HCP/NCCP planning efforts are underway within the Delta watershed. Potential outcomes of these processes should be taken into consideration for consistency and compatibility with the development of a TMDL.

Prominent Delta Activities

Primary activities and projects in the Delta span the areas of agriculture, habitat, and recreation. The review of the Collaborative will be taking into consideration potential impacts of a TMDL on activities and projects that include: invasive weed removal; habitat friendly levee protection and stabilization; water supply; wetlands and waterfowl habitat enhancements; agricultural practices; private and public marina and boater recreation facilities and activities; dredging and dredge spoil re-use; and erosion control. Additionally, major water transfer projects being analyzed for proposal include the North and South Delta Improvement Programs.

In general, there is the expectation that the development of a TMDL will take into consideration cost/benefit comparisons, establishment of parameters for prioritization, a "no net increase" analysis, development of recovery plan priorities, and California Environmental Quality Act requirements.

The Collaborative intends to work closely with your staff and to initiate contact to participate in a meeting of the Collaborative in the near future. In the meantime, please contact me with any questions you may have at (916) 776-2292 or lindadpc@citlink.net.

Sincerely,

Linda Fiack, Executive Director
Delta Protection Commission
On behalf of the Delta Mercury Collaborative

cc: Delta Mercury Collaborative
Karen Scarborough, Undersecretary, Resources Agency
Delta Protection Commission